Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 920 - 09141 - 0571 - 058	Date: 07/25/20	Time: 1728	
Location: Graves Avenue/Pine Street		City or Station: Rosemead	
Bureau/Station/Facility: Temple Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Personal Weapons. Resisted Handcuffing			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. E. Smitson	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	[redacted]	Rank: DSG		
Sex: ◉ M ○ F	Race: H	Height: 6'01"	Weight: 195	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Temple Station			Work Assignment (Unit #, Module, etc.): 57A			
Individual Force Used: Personal Weapon, Resisted Handcuffing			○ Directed ○ Rescue ○ Medical Assist	Individual Category ○ 1 ◉ 2 ○ 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #		

E 2

Employee #: [redacted]	Last Name: Barr	First Name: Brandon	Middle I.: D.	Rank: DSG		
Sex: ◉ M ○ F	Race: B	Height: 5'11"	Weight: 205	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Temple Station			Work Assignment (Unit #, Module, etc.): 57A			
Individual Force Used: Personal Weapon, Resisted Handcuffing			○ Directed ○ Rescue ○ Medical Assist	Individual Category ○ 1 ○ 2 ◉ 3		
☒ Injured ☐ Treated ☐ Admitted	Facility: Irwindale Industrial Clinic			Coroner Case #		

E_

Employee #:	Last Name:	First Name:	Middle I.:	Rank:		
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:			Work Assignment (Unit #, Module, etc.):			
Individual Force Used:			○ Directed ○ Rescue ○ Medical Assist	Individual Category ○ 1 ○ 2 ○ 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:			Coroner Case #		

On Duty Supervisor ☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Blaylock	Terry	NMI	Sgt	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Valle	Paul	S.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Liu	Alan	Y.	Lt.

Watch Commander / Supervising Lieutenant's **Signature**: [signature] Date: 3-10-21

Copy Provided to Employee by: [redacted] Emp #: Date: 4/6/24

WILLIAM JAEGER
Unit Commander (**Print Name**)

[signature]
Unit Commander's **Signature**:

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 2 0 - 0 9 1 4 1 - 0 5 7 1 - 0 5 8

Suspect Information

S 1

Last Name: Penaloza	First Name: Antonio	Middle Name: De Jesus	Armed? Select: Other Weapon: Edged
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	Weight	D.O.B.	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
(●) Male ○ Female	H	32	5'08"	250	09-09-87	[redacted]	

Street Address: [redacted] City: [redacted] State & Zip Code: [redacted]

Booking #: 5978681 Primary Charge Code: 245(c) PC Secondary Charge Code: 69 PC [redacted] Criminal History

Treated on Scene? (●) YES ○ NO Name: LA Co.Fire Dept. Unit: Station 4 Phone #: (323) 881-2411

Hospital Admission? [X] Rec'd Treatment At: Huntington Memorial Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Dr. Maureen Dunn Address: 100 California Blvd. Pasadena, Ca 91109 Phone #: (626) 397-5112

Under Influence: ○ YES (●) NO Substance: 5150 a factor in force? ○ YES (●) NO User's guide provides direction on this entry

Date: 07/25/20 Time: 2300 ☐ Audiotape: [X] Videotape: [X] Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:	First Name:	Middle Name:	Armed? Select
AKA Last Name:	First Name:	Middle Name:	

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: City: State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: Unit: Phone #:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐ User's guide provides direction on this entry

By: Address: Phone #:

Under Influence: ○ YES ○ NO Substance: 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

920 - 09141 - 0571 - 058

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	23	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

920 - 09141 - 0571 - 058

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Suspect Penaloza	S1	Deputy [redacted]	E2	RS		
Suspect Penaloza	S1	Deputy Barr	E1	RH		
Suspect Penaloza	S1	Deputy Barr	E1	OO	NN	HE
Deputy Barr	E1	Suspect Penaloza	S1	PH	FR	HE
Suspect Penaloza	S1	Deputy [redacted]	E2	RS		
Deputy [redacted]	E2	Suspect Penaloza	S1	PO	CP	LE
Deputy [redacted]	E2	Suspect Penaloza	S1	RH		
Deputy [redacted]	E2	Suspect Penaloza	S1	RH		

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **Use of Force, Category 3, Skeletal Fracture**

IAB FILE NUMBER: **FO2513905**

URN: **920-09141-0571-058**

DATE/TIME: **July 25, 2020, Saturday, 1715 hours**

LOCATION: **Graves Avenue/Pine Street, Rosemead**

SYNOPSIS

On July 25, 2020, at approximately 1728 hours, Temple Station patrol unit 57A (Deputy [redacted] and Deputy Brandon Barr) was traveling southbound on San Gabriel Boulevard, approaching Graves Avenue in the city of Rosemead. Deputy [redacted] was the driver and Deputy Barr was the front passenger. Both deputies observed a 2005 Ford Explorer, license plate #[redacted] traveling in front of them and then merge into the right lane to prepare to turn westbound on Graves Avenue. Once the vehicle turned onto Graves Avenue, both deputies observed the driver of the vehicle fail to use a turn signal when making the turn, violation of 22108 CVC (California Vehicle Code). They also noticed the passenger's side brake light was not working, violation of 24252 (a) CVC. Deputy [redacted] activated the overhead red light, and conducted a traffic stop of the vehicle. The vehicle yielded, and came to a stop near the intersection of Graves Avenue and Pine Street.

Deputy [redacted] contacted the driver at the vehicle's driver's side door, while Deputy Barr contacted the passenger at the front passenger's door. As Deputy [redacted] was explaining to the driver, Antonio Penaloza (Suspect Penaloza) the reason(s) he was stopped, Suspect Penaloza interrupted him, began to curse at him, and accused Deputy [redacted] of racially profiling him because of his Mexican descent. Deputy [redacted] tried to deescalate Suspect Penaloza's hostility by trying to explain to him the reason why he was stopped; however, Suspect Penaloza remained upset, and continued to curse at Deputy [redacted] A passenger (Witness [redacted] who was seated in the front seat, remained cooperative.

Suspect Penaloza repeatedly reached down toward the driver's side door panel with his hands, out of Deputy [redacted] view. These movements raised Deputy [redacted] concern about officer safety. Deputy [redacted] could not see what Suspect Penaloza was reaching for, and was afraid Suspect Penaloza could be arming himself with a weapon. Deputy Barr, who was still standing near the front passenger door, saw that Suspect Penaloza

had a knife sheath attached to the right side of his hip. Although he could not see the blade or handle of a knife, his awareness was heightened since the sheath was attached to the hip. Deputy Barr instructed Deputy [redacted] to have Suspect Penaloza exit the vehicle.

Deputy [redacted] asked Suspect Penaloza several times to exit the vehicle, but he refused to comply. Deputy [redacted] opened the driver's door, grabbed Suspect Penaloza's left hand, and again ordered him to exit the vehicle. Suspect Penaloza finally complied, and exited on his own. Deputy [redacted] placed Suspect Penaloza's left hand behind his back, escorted him to the patrol vehicle, and had him face the front passenger's side fender.

Deputy Barr walked to Deputy [redacted] and placed a single handcuff on Suspect Penaloza's left wrist. Suspect Penaloza quickly pulled away from Deputy [redacted] grasp, turned around to face the two deputies, and placed his hands over his head. Both deputies realized Suspect Penaloza's left wrist remained handcuffed, but his right hand was free. He held onto the loose right cuff in his left hand. Deputy Barr grabbed Suspect Penaloza's left hand in an attempt to regain control of him; however, Suspect Penaloza resisted, and began to overpower Deputy Barr's efforts to control him. Deputy Barr was afraid Suspect Penaloza would use the handcuff as a weapon against him and/or Deputy [redacted] When Suspect Penaloza continued to resist, the handcuff was coming close to striking both deputies. Fearing Suspect Penaloza was about to assault them, Deputy Barr punched him one time on the left eye. Both deputies were able to turn Suspect Penaloza around, and have him face the patrol vehicle again.

Suspect Penaloza placed both of his hands on the hood of the vehicle, but began to slide his right hand down toward his waistband. Deputy [redacted] feared Suspect Penaloza would either push himself off of the vehicle, reach for a weapon, or use the handcuff to assault them. Deputy [redacted] stuck Suspect Penaloza with 3-4 knee strikes to his right rib cage. Deputy Barr punched Suspect Penaloza several times on the upper center portion of his back, and on the left rib cage area. Deputy Barr gained control of Suspect Penaloza's left hand and placed it behind his back. Deputy [redacted] gained control of the right hand, and successfully handcuffed both wrists behind his back.

During a search of Suspect Penaloza's person after his arrest, deputies found a large fixed blade knife inside the sheath, which was still attached to the right side of his belt. Brass knuckles were found inside the front right pocket of Suspect Penaloza's pants.

Sergeant Terry Blaylock, #[redacted] responded to the scene, and began a use of force investigation. Both Deputies Barr and [redacted] informed Sergeant Blaylock of the force they used and witnessed against Suspect Penaloza. Suspect Penaloza told Sergeant Blaylock he was experiencing pain to his face as a result of the force used against him. Suspect Penaloza was transported to San Gabriel Valley Medical Center for medical treatment. There, it was determined his left orbital was fractured, which required his transfer to Huntington Memorial Hospital for further treatment.

Sergeant Blaylock provided IAB investigators copies of all Department reports, which included the incident report, and all involved employees' supplemental reports **[Exhibit A]**. Sergeant Blaylock also provided a compact disc, which contained several digital images of the scene, and a video recording of his interview with Witness Lopez **[Exhibit B]**.

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted] Deputy Sheriff, #[redacted]
East Patrol Division
Temple Station

Date of Employment:	February 7, 2019
Date Assigned to Patrol, Temple Station:	February 2, 2020
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	[redacted]

Equipment Worn On Person
Deputy [redacted] was wearing a Class "A" uniform with a gun belt, equipped with the following: Duty weapon with two (2) additional magazines, radio, OC spray, flashlight, expandable baton, and two (2) handcuffs. Deputy Arias had a hobble restraint in one of his pants' sap pockets, and a pocket knife in the other.

Brandon D. Barr, Deputy Sheriff, #[redacted]
East Patrol Division
Temple Station

Date of Employment:	April 25, 2012
Date Assigned to Patrol, Temple Station:	November 5, 2017
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	[redacted]

Equipment Worn On Person
Deputy Barr was wearing a Class "A" uniform with a gun belt, equipped with the following: Duty weapon and three (3) additional magazines, radio, OC spray, expandable baton, and two (2) handcuffs. Deputy Barr had a pocket knife and a hobble restraint in one sap pocket, and a flashlight in the other.

SUSPECT INFORMATION

Antonio De Jesus Penaloza
Male Hispanic, DOB: September 9, 1987, 5'08", 250 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

A copy of Suspect Penaloza's criminal history is included **[Exhibit C]**.

DEPUTY PERSONNEL INJURIES

Deputy Barr sustained a sprain to his right hand. He was unsure of the name of the muscle or medical term of the type of sprain. On July 25, 2020, he received treatment at the Irwindale Industrial Clinic.

SUSPECT'S INJURIES

Suspect Penaloza sustained a fractured left orbital, a bruised left eye, and a contusion to his right thigh.

Suspect Penaloza was transported to Huntington Memorial Hospital, and treated for his injuries by Doctor Maureen Dunn. Suspect Penaloza was medically cleared for booking on July 27, 2020. He was transported to the Inmate Reception Center where he was booked. For additional information, see his medical records **[Exhibit D]**.

On January 15, 2021, IAB investigators sent Dr. Dunn a certified letter, asking for her cooperation with an interview about Suspect Penaloza's injuries. She responded to the letter with an email she sent on January 26, 2021. IAB investigators asked her if a punch to Suspect Penaloza's eye would have caused his left inferior orbital wall to fracture. On January 28, 2021, Dr. Dunn responded to the email, and stated she did not recall Suspect Penaloza very well; however, she added that an inferior orbital wall fracture can be caused by a significant amount of force to the front of the orbit, which would include being struck in the face. The emails exchanged with Dr. Dunn were included in this case **[Exhibit E]**.

PHYSICAL EVIDENCE

None

INVESTIGATOR'S OBSERVATIONS

When IAB investigators interviewed Suspect Penaloza, they noticed his left eye was swollen shut, and purple, appearing to be bruised. There was dried blood on the tip of his nose, chin, and forehead.

WEAPONS USED BY INVOLVED DEPARTMENT PERSONNEL

None

WEAPONS USED BY SUSPECT ANTONIO PENALOZA

None

PROPERTY DAMAGE BY SUSPECT ANTONIO PENALOZA

None

CRIMINAL INVESTIGATION AND CHARGES FILED

The criminal investigation was handled by Temple Station detectives. On July 28, 2020, Suspect Penaloza was charged in the Alhambra Superior Court with one count of Penal Code (PC) section 69, Resist a Peace Officer with Force or Violence, one count of PC section 21810, Possession of Metal Knuckles, and two counts of PC section 243(b), Battery on a Peace Officer.

On September 28, 2020, the court dismissed all of the charges as having insufficient cause to proceed, except for 21810 PC, which was held. The complaint was amended and two counts of PC section 241(c), Assault on a Peace Officer, were added to Suspect Penaloza's charges. Although Suspect Penaloza pled not guilty to all charges, the court held him to answer on all charges, and scheduled a future preliminary hearing.

On February 24, 2021, Suspect Penaloza appeared in court, and plead no contest to PC section 21810, Possession of Metal Knuckles. Both counts of PC section 241(c), Assault on a Peace Officer were dismissed due to plea negotiations. Suspect Penaloza's sentence was suspended, and he was placed on probation for two years. Detailed information regarding Suspect Penaloza's court minutes and criminal proceedings were included in the case **[Exhibit F]**.

LIGHTING AND WEATHER CONDITIONS

The incident occurred outside during daylight hours. The weather was clear and mild.

INVOLVED EMPLOYEE DEPUTY [redacted] STATEMENT

On July 25, 2020, Deputy [redacted] was assigned to unit 57A, during the PM shift. Deputy Barr was his partner that afternoon. Although Deputy [redacted] was on patrol [redacted] at the time, Deputy Barr was not his assigned [redacted] Deputy Barr was filling in for Deputy [redacted] for that shift. Deputy [redacted] drove the patrol car, while Deputy Barr was the front passenger.

Deputy [redacted] was driving southbound on San Gabriel Boulevard in the city of Rosemead when he saw a red Ford Explorer (license plate # [redacted] driving in front of him, also traveling southbound. Deputy [redacted] noticed the vehicle's brake lights were not operating, violation of 24252(a) CVC. The vehicle conducted several lane changes from the center lane (number one lane) to the furthest opposite lane without using an indicator, then turned westbound on Graves Avenue without using a turn signal, violation 22108 CVC.

Deputy [redacted] conducted a traffic stop of the vehicle on Graves Avenue and Pine Street. The driver pulled over without delay. When both vehicles came to a stop, Deputy Barr

exited the patrol vehicle first, and walked to the vehicle's passenger side. Deputy [redacted] exited afterwards, walked to the driver's side door, and contacted the driver, Suspect Penaloza, whose window was partially lowered. Witness [redacted] was seated on the front passenger's seat. Once Deputy [redacted] began to explain to Suspect Penaloza why he was pulled over, Suspect Penaloza interrupted him, and accused him of stopping him because he was Mexican. Deputy [redacted] again tried to explain to him the reason for the stop, but Suspect Penaloza interrupted him again, and began to yell profanities at him.

As Suspect Penaloza continued to be argumentative and began reaching in areas within the vehicle where Deputy [redacted] could not see. When he reached toward the side panels of the driver's door, Deputy [redacted] was alerted and afraid Suspect Penaloza could be reaching for a weapon. Deputy [redacted] and Deputy Barr repeatedly instructed Suspect Penaloza to place his hands on the steering wheel, and not to reach into places they could not see. Suspect Penaloza refused to cooperate and continued moving his hands in places that were not visible.

Deputy Barr told Deputy [redacted] to have Suspect Penaloza exit the vehicle. Deputy [redacted] again instructed Suspect Penaloza to place his hands on the steering wheel, but he refused to comply. Deputy [redacted] opened the driver's door, grabbed a hold of Suspect Penaloza's left hand, and instructed him to exit. Suspect Penaloza did not resist, and stepped out on his own. Deputy [redacted] placed both of Suspect Penaloza's hands behind his back, and interlaced his fingers together in a "basket weave" manner, and walked him to the patrol vehicle. As they walked to the patrol vehicle, Suspect Penaloza continued to be loud and argumentative. He told Deputy [redacted] "You're not gonna fucking search me! Fuck you!" Deputy [redacted] felt Suspect Penaloza's body was tense and rigid while walking to the vehicle.

Deputy [redacted] had Suspect Penaloza stand near the patrol vehicle's passenger's side, front fender, facing the hood. Deputy Barr simultaneously met them at the vehicle, and stood to Deputy [redacted] left side, behind Suspect Penaloza. Deputy Barr quickly handcuffed Suspect Penaloza's left wrist with his handcuffs. Suspect Penaloza continued to yell, and questioned them as to why he was being handcuffed. Without warning, Suspect Penaloza quickly pulled away from Deputy [redacted] grasp. He simultaneously turned his body toward his left, faced them, and raised both of his hands above his head with the single handcuff around his left wrist. Suspect Penaloza grabbed a hold of the other handcuff, which was left in its open position, and held it in his left hand.

Deputy [redacted] grabbed a hold of Suspect Penaloza's right arm, but he continued to overpower him and pulled his arm away. While Deputy [redacted] tried to regain control of Suspect Penaloza's hands, he saw Suspect Penaloza try to assault Deputy Barr with the handcuff. Deputy [redacted] saw Suspect Penaloza swing the handcuff in a downward stabbing motion toward Deputy Barr's face. It was at this time he saw Deputy Barr punch Suspect Penaloza one time in his face. Both Deputy [redacted] and Deputy Barr were able to turn Suspect Penaloza around, and had him face the patrol vehicle again.

Once Suspect Penaloza was facing the vehicle, he placed his hands on the hood, and began to slide them toward his waistband and out of view. Deputy [redacted] was fearful Suspect Penaloza was reaching for a concealed weapon, or was about to push himself away from the vehicle for momentum to reengage back into the fight. Deputy [redacted] struck Suspect Penaloza's right rib cage with three to four knee strikes with his right knee. The strikes had little to no affect. Deputy [redacted] saw Deputy Barr punch Suspect Penaloza on the left back, but was not sure what fist he used.

Deputy [redacted] took control of Suspect Penaloza's right hand, and placed it behind his back. Deputy Barr controlled Suspect Penaloza's left hand, and also placed it behind his back. Suspect Penaloza stopped fighting or resisting. Deputy [redacted] successfully completed the handcuffing, and began to search Suspect Penaloza. He found a large knife inside a sheath that was attached to the right side of Suspect Penaloza's belt. This was the first time he saw the knife Deputy [redacted] continued to search him, and found a pair of brass knuckles inside the right pocket of Suspect Penaloza's pants.

Deputy [redacted] saw Suspect Penaloza was bleeding from his face, but did not know where he was injured. Paramedics were called to the scene to render aide to Suspect Penaloza. When Sergeant Blaylock arrived, Deputy [redacted] immediately notified him of the force he used and witnessed.

When IAB investigators asked Deputy [redacted] if he or Deputy Barr ever told Suspect Penaloza, "If you move, I'm going to punch you." He said he did not recall. Deputy [redacted] also did not recall if he heard Deputy Barr tell Suspect Penaloza, "I punch hard, don't I?"

INVOLVED EMPLOYEE DEPUTY BRANDON BARR STATEMENT

On July 25, 2020, Deputy Barr was assigned to unit 57A, during the PM shift. Deputy [redacted] was his partner that afternoon. Although Deputy [redacted] was on patrol [redacted] at the time, Deputy Barr was not his assigned [redacted] Deputy Barr was filling in for Deputy [redacted] for that shift. Deputy [redacted] drove the patrol car, while Deputy Barr was the front passenger.

While they were driving southbound on San Gabriel Boulevard, Deputy Barr saw a red Ford Explorer in front of them When the vehicle turned westbound on Graves Avenue, it failed to use a turn signal. He also noticed the passenger's side brake light was not functioning. Deputy [redacted] conducted a traffic stop of the vehicle on Graves Avenue and Pine Street.

Deputy Barr exited the patrol car and contacted the front passenger, Witness [redacted] while Deputy [redacted] contacted the driver, Suspect Penaloza Deputy Barr heard Deputy [redacted] begin to explain to Suspect Penaloza why he was pulled over. Suspect Penaloza appeared to be upset, and interrupted him. Suspect Penaloza alleged he was pulled over for appearing to be a Hispanic gang member. Deputy Barr heard Deputy [redacted] tell Suspect Penaloza that his brake light was not working, but Suspect Penaloza again

interrupted him and accused Deputy [redacted] of pulling him over because he (Suspect Penaloza) was Hispanic. While Deputy Barr was standing near the front passenger's door, he looked inside and saw Suspect Penaloza had a large knife sheath attached to his right hip The upper portion of the sheath was covered by Suspect Penaloza's shirt; therefore, he could not see the handle of the knife.

At that point, Deputy Barr utilized his portable radio, and spoke to Deputy [redacted] utilizing the "direct" feature. He told him to take Suspect Penaloza out of the vehicle. Deputy Barr elected to not inform Deputy [redacted] about the sheath because he did not want to escalate Suspect Penaloza's already agitated state of mind. Suspect Penaloza was still seated in the vehicle with the keys in the ignition. Deputy Barr believed if he told Deputy [redacted] about the knife out loud, Suspect Penaloza would have been alerted and potentially use the knife against them or Witness [redacted] Deputy Barr felt it was best to have Suspect Penaloza exit as soon as possible.

Deputy Barr saw Deputy [redacted] walk Suspect Penaloza back to their patrol vehicle. Both of Suspect Penaloza's hands were behind his back while being walked to the vehicle. Deputy Barr left his position near the passenger door, and walked to where Deputy [redacted] and Suspect Penaloza stood. Suspect Penaloza faced the hood of the vehicle while Deputy [redacted] stood behind him. Deputy Barr was afraid Deputy [redacted] was unaware of the large sheath still attached to Suspect Penaloza's hip; therefore, Deputy Barr stood to Suspect Penaloza's left side, and immediately placed his handcuff on Suspect Penaloza's left wrist. Once the left wrist was cuffed, Suspect Penaloza quickly broke from Deputy [redacted] grasp, turned around to face them, and placed his hands over his head. His back was now facing the patrol vehicle.

Deputy Barr realized Suspect Penaloza was now holding the handcuff's center link with his left hand. His right hand was free, but was still over his head Deputy Barr quickly grabbed a hold of Suspect Penaloza's left hand with both of his hands to keep the hand from coming closer to him. Deputy Barr saw the right handcuff was in the open position. Suspect Penaloza's left hand continued to get closer to Deputy Barr's face. Deputy Barr believed Suspect Penaloza was attempting to assault him with the opened handcuff, and ordered him to stop fighting; however, he did not comply with any commands. Deputy Barr punched Suspect Penaloza's left eye one time with his right fist, which had an effect on Suspect Penaloza. He dropped his hands at which point both Deputy Barr and Deputy [redacted] were able to turn him around to face the patrol vehicle again, and push him into the vehicle.

Suspect Penaloza's left hand was still holding onto the loose cuff, and his right hand was free Deputy Barr ordered him to stop fighting and to place his hands behind his back; however, Suspect Penaloza refused to comply. Deputy Barr utilized his portable radio to inform the Sheriff's Communication Center (SCC) dispatcher he was involved in a fight, and requested assistance to respond to his location.

While Deputy Barr was struggling to handcuff Suspect Penaloza, he noticed Witness [redacted] had exited the vehicle, and began to walk toward him. Deputy Barr was afraid

Witness [redacted] would assault either him or Deputy [redacted] or attempt to free Suspect Penaloza. Deputy Barr yelled at Witness [redacted] to step away from them. Witness [redacted] complied.

Deputy Barr returned his focus toward Suspect Penaloza, and punched him several times on Suspect Penaloza's back and left ribs. When IAB investigators asked him why he punched Suspect Penaloza, he said Suspect Penaloza continued to be assaultive toward him by continuing to hold onto the handcuff, and refused to place his hands behind his back. When IAB investigators asked Deputy Barr to describe the assaultive behavior at this point, he said Suspect Penaloza remained rigid, and refused to relax.

IAB Note: **Deputy Barr wrote in his report [Exhibit A/Incident Report, page six, fourth paragraph] he punched Suspect Penaloza on his back and ribs because he knew Suspect Penaloza possibly possessed a large knife in the sheath, and because he had just attempted to assault him with the loose handcuff when they were facing each other.**

Deputy Barr was cognizant Suspect Penaloza had the sheath attached to his hip. Although he did not see the knife itself during the incident, he believed it was not common for someone to have a sheath attached to their body and not have the knife inside.

While they continued to struggle to gain control of Suspect Penaloza's hands, Deputy Barr saw Deputy [redacted] strike the left side of Suspect Penaloza's body with 3-4 knee strikes. This had an effect on Suspect Penaloza, and they were able to place his hands behind his back to complete the handcuffing. Deputy Barr noticed Suspect Penaloza was bleeding, possibly from the left eyebrow.

While Deputy [redacted] searched Suspect Penaloza, Deputy Barr saw him remove a large fixed blade knife from the right side of Suspect Penaloza's body. Deputy [redacted] also removed a pair of brass knuckles from his right front pants pocket.

Deputy Barr requested the fire department to respond to treat Suspect Penaloza for his injuries. When Sergeant Blaylock arrived, Deputy Barr immediately notified him of the force he used and witnessed.

When IAB investigators asked Deputy Barr if he or Deputy [redacted] told Suspect Penaloza, "If you move, I'm going to punch you," just before Suspect Penaloza pulled away from them. He said, "No." When IAB investigators asked Deputy Barr if he ever told Suspect Penaloza, "I hit hard, don't I?" and he again said, "No." When IAB investigators asked him if he or Deputy [redacted] told Suspect Penaloza, "If you spit blood on me, I'm going to fuck you up." He said, "No."

After Suspect Penaloza was secured and placed under arrest, Deputy Barr realized he injured his right hand. He believed it was caused by punching Suspect Penaloza. He

reiterated all of the punches he used throughout this incident were done with his right hand. He received medical treatment that evening and a few days later. He was diagnosed with a sprain, but could not recall which muscle.

WITNESS [redacted] STATEMENT

On July 25, 2020, Sergeant Blaylock interviewed Witness [redacted] soon after the incident. Sergeant Blaylock video recorded the interview **[Exhibit B/MVI_0113]**. Although Witness [redacted] spoke English, it was at times broken, and a little difficult to understand.

Witness [redacted] told Sergeant Blaylock he was the front seat passenger, and his friend, Suspect Penaloza, was driving the vehicle. When the deputies conducted the traffic stop, Suspect Penaloza became upset, and both he and the deputies began to argue with each other. Witness [redacted] did not understand what was said between Suspect Penaloza and the deputies; however, the deputies told him (Witness [redacted] to remain inside the vehicle. Witness [redacted] followed their direction, and remained seated on the front passenger's seat.

One of the deputies asked Suspect Penaloza to exit the vehicle, which he did. Suspect Penaloza was walked toward the back of the vehicle, and out of view. When Sergeant Blaylock asked Witness [redacted] if he saw Suspect Penaloza hit either of the deputies, he said he did not. When Sergeant Blaylock asked him if he saw any deputy hit Suspect Penaloza, he said he did not see anything because he remained inside the vehicle while Suspect Penaloza was behind him, near the patrol vehicle. Witness [redacted] said he exited the vehicle on his own, but was directed by a deputy to get back inside. Witness [redacted] followed the direction, and sat back on the front passenger's seat. Witness [redacted] was released soon after the interview since he was not involved with any criminal activity.

SUSPECT ANTONIO PENALOZA STATEMENT

On July 25, 2020, IAB Sergeants Paul Valle and Angel Fisher interviewed Suspect Penaloza at the Huntington Memorial Hospital. The interview was video recorded on two separate video clips, **[Exhibit G/IAB Suspect Interview Video/IMG_0050 and IMG_0051]**. Both videos were recorded on the same day. The first video was stopped because medical staff requested to check on Suspect Penaloza.

Earlier in the day, July 25, 2020, at approximately 1700 hours, Suspect Penaloza picked up his friend, Witness [redacted] from his place of employment. While driving him home, Suspect Penaloza was pulled over by a patrol vehicle on Graves Avenue. Suspect Penaloza did not know the names of the deputies; however, he identified them by the color of their skin. He said the "brown deputy" (Deputy [redacted] approached him at the open window of his driver's door. When Suspect Penaloza asked Deputy [redacted] why he was pulled over, Deputy [redacted] opened the driver's door and grabbed his left arm, and pulled him out of the car. Suspect Penaloza continued to question Deputy [redacted] and

asked if he was pulled over because of his tattoos.

Deputy [redacted] placed Suspect Penaloza's hands behind his back, and walked him to the patrol vehicle, near the hood. Suspect Penaloza identified the other deputy as the "black deputy" (Deputy Barr). Once Suspect Penaloza was standing near the patrol vehicle with Deputy [redacted] Deputy Barr walked up to them. When Suspect Penaloza's right hand was handcuffed, one of the deputies told him, "Don't move or I'll punch you." After hearing that, Suspect Penaloza turned his upper torso to his right. He said it was his mistake to turn. Once he turned around, he asked the deputies why he was being arrested. Immediately after turning, the deputies began to punch him.

IAB Note: During Suspect Penaloza's interview, while he was showing IAB investigators how he turned toward the deputy, he slightly rotated his upper torso and head to his right, [Exhibit G/IAB Suspect Interview Video/IMG_0050 (02:11)].

Deputy Barr punched Suspect Penaloza's left eye. Although both deputies punched him several times on the back of his head, and his waist, Suspect Penaloza was clear it was Deputy Barr who punched his eye. Suspect Penaloza felt one of the deputies use his knee to strike the outer portion of his right thigh several times. He could not identify which deputy struck him with the knee.

When IAB investigators asked Suspect Penaloza if he pulled his wrist away with the handcuff, he said he did, but only after one of the deputies told him not to move or else they would punch him.

Towards the end of the incident, Suspect Penaloza said Deputy Barr told him, "I punch hard, don't I?" Suspect Penaloza was bleeding from somewhere on his face. As he was being handcuffed, he saw blood was dripping onto the hood of the patrol vehicle.

During the IAB interview, Suspect Penaloza complained of pain to the back of his head and right thigh. IAB investigators examined those areas, but did not see any visible injuries; however, Suspect Penaloza touched the outer portion of his right thigh and winced in pain. Suspect Penaloza denied he recently consumed any type of drugs or narcotics; however, he admitted to drinking two average size bottles of beer earlier that day, at approximately 1500 hours. He did not take any prescribed medication, nor have any psychological problems/disorders.

IAB investigators took several photographs of Suspect Penaloza's face, body, and extremities **[Exhibit G]**.

ADDITIONAL INFORMATION

Dispatch Frequency Review

The following is a review of some of the highlights from the Dispatch 11 recording,

[Exhibit H/Dispatch 11 072520 1710-1745]. The below listed times were taken from the recording's timeline over the course of the incident. The SCC dispatcher will be referred to as the PRD (Public Response Dispatcher).

17:15 Deputy Barr (57A) voiced emergency traffic clearance (radio code 10-33), and asked to open the duplex patch. He notified the PRD he was involved in a fight on Graves and Eckhart. The PRD acknowledged the emergent traffic, and asked him to repeat his location. Once Deputy Barr repeated his location, the PRD asked if any Temple unit could respond to his location. Unit 53 answered, and said he could be there in one minute. Unit 53A stated he could also respond. The PRD asked if any Temple sergeant could begin to respond to the location. There was no response from a sergeant.

17:16 An unknown Aero Bureau unit asked the PRD what the location of the fight was. Once the PRD informed the unit, she asked unit 57A what his status was. Deputy Barr stated "both were detained", and requested the fire department to respond to the location, and to stage on Graves and San Gabriel. Unit 53 informed the PRD he arrived to the scene. The PRD asked what the sergeant unit's ETA (estimated time of arrival) was. There was no response. Deputy Barr asked the PRD to stop any units from further responding in code 3 mode, except for the responding sergeant. He also asked to close the duplex patch.

17:17 The PRD voiced that if any unit was responding in code 3 mode, they were to cancel their emergent response, with the exception of the sergeant unit. Before closing the patch, the PRD asked 57A if he was code 4. Deputy Barr confirmed they were code 4.

17:19 Unit 51S stated, "Go for 51S (Sergeant Michael Gonzales #[redacted] 50S (Sergeant Blaylock) is right behind me. What do you got?" (The sound of a siren was heard in the background.) The PRD informed unit 51S he was on the working frequency. It appeared to be inadvertent radio traffic meant for the L-Tac frequency.

17:22 Unit 50S advised the PRD both he and unit 51S arrived on the scene.